

To: Elsen, Henry[Elsen.Henry@epa.gov]; Freeman, James (ENRD)[James.Freeman2@usdoj.gov]
Cc: Lensink, Andy[Lensink.Andy@epa.gov]
From: Sithers, John (ENRD)
Sent: Mon 11/3/2014 3:39:34 PM
Subject: FW: AR Naturally Occurring Substances Letter - Latest Draft for your Review
ENV ENFORCEMENT-#2482645-v1-AR 11 3 14 Draft AR Arsenic Letter.DOC
Anaconda Arsenic Source Investigation Interpretive Analysis Technical Memorandum and Response

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Attorney Work Product

Henry and Jim,

If at all inclined, we wanted to give you a chance to review this draft letter this week. It responds to Bill Duffy's June 2014 letter containing a substantial challenge to the ARWW&S OU ground water remedy, based on the presence of naturally occurring substances at the Site. We determined the ARCO letter merited a forceful response despite some continuing technical uncertainties about the extent of naturally occurring arsenic in Site ground waters and the extent to which the current domestic well area of concern boundaries should be expanded.

Jim - You'll see we found *W.R. Grace* particularly helpful in responding to the legal issues ARCO raised.

The letter is also under review by the EPA-DOJ *Burlington Northern* committee. But there is no indication there will be mischief from that quarter.

Cheers,

John

From: Sither, John (ENRD)
Sent: Monday, November 03, 2014 10:28 AM
To: 'Coleman, Charles'
Cc: 'Lensink, Andy'
Subject: AR Naturally Occurring Substances Letter - Latest Draft for your Review

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Attorney Work Product

Charlie and Andy,

Although the *Burlington Northern* committee has until COB tomorrow to complete its review, I've received feedback from half the committee members by now, and I don't expect the need for any substantial revision.

Thus, you two can go ahead and start your review now. That way, I might even be able to get the letter to the State by early Wednesday – which might make it feasible to have Monday, November 10 as the goal for sending the final version to ARCO.

So let me know if you have any comments/edits. Let me keep control over the document for now. Later I'll turn it over to you – since Duffy's letter is to you two, I'm assuming this response would be from you two – maybe Andy in particular.

I'll also share with Henry and Jim Freeman. Their perspectives are often useful.

Thanks,

John